

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES MITCHELL DeBARDELEBEN,

Petitioner,

v.

3:05-cv-375

3:83-cr-044

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM AND ORDER

This petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2241 was **DENIED** and the action **DISMISSED**. Petitioner has now filed a motion to proceed *in forma pauperis* on appeal. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** petitioner's motion to proceed *in forma pauperis* on appeal. *See* Rule 24 of the FEDERAL RULES OF APPELLATE PROCEDURE. A certificate of appealability **SHALL NOT ISSUE** in this action. 28 U.S.C. § 2253(c).

E N T E R:

s/ Thomas W. Phillips
United States District Judge